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House Bill 6293 (Substitute H-2 as passed by the House)
Sponsor: Representative Graham Filler
House Committee: Government Operations
Senate Committee: Committee of the Whole

Date Completed: 10-21-20

CONTENT

The bill would amend Article 15 (Occupations) of the Public Health Code to do the following:

- **Allow a qualified licensee to administer COVID-19 testing services as specified in the bill.**
- **Allow qualified licensee to order a laboratory test that was classified by the United States Food and Drug Administration (FDA) as moderate or high complexity for the purposes of administering COVID-19 testing services.**
- **Require a qualified licensee administering COVID-19 testing services to ensure that an individual volunteering or working at a location at which COVID-19 testing services were administered received the training necessary to administer those services, among other things.**
- **Specify that a qualified licensee or other individual who was performing a task or function associated with COVID-19 testing services had the same rights and immunities as personnel of a disaster relief force.**

The bill would be repealed effective June 30, 2021.

Notwithstanding any provision of the Code to the contrary, all of the following would apply to a qualified licensee or other individual.

- A qualified licensee could administer COVID-19 testing services as specified below.
- A qualified licensee could order a laboratory test that was classified by the FDA as moderate or high complexity to administer COVID-19 testing services.
- The provisions of Article 15 that related scope of practice, supervision, and delegation would not apply to the qualified licensee but only to the extent needed to allow the licensee to administer COVID-19 testing services.

"Qualified licensee" would mean any of the following: a) a pharmacist licensed under Part 177 (Pharmacy Practice and Drug Control); b) an advanced practice registered nurse (a registered professional nurse who has been granted a specialty certification in nurse midwifery, nurse practitioner, or clinical nurse specialist); c) a registered professional nurse licensed under Part 172 (Nursing); d) a licensed practical nurse licensed under Part 172; or e) a physician's assistance licensed under Part 170 (Medicine) or 175 (Osteopathic Medicine and Surgery). The bill would define "COVID-19 testing services" as the collection of specimens from individuals to be tested for COVID-19 by a laboratory or entity meeting the requirements of the bill.

Also, an individual who was not licensed, registered, or otherwise authorized to engage in a health provision under Article 15 could perform a task or function associated with COVID-19 testing services, including any of the following, if he or she had been trained to do so and was supervised by a qualified licensee or a representative of a local health department who had been trained to supervise the performance of the task or function:

- Screening an individual receiving a test for COVID-19.
- Observing self-collection of a saliva sample or self-swabbing by an individual receiving a COVID-19 test.
- Temporarily storing a specimen pending its transmittal to a laboratory or entity described below.
- Reporting a COVID-19 test result to the Department of Health and Human Services.
- Referring an individual receiving a test for COVID-19 to an appropriate licensee or registrant for follow-up care.

A qualified licensee administering COVID-19 testing services would have to do all of the following:

- Ensure that an individual volunteering or working at the location at which COVID-19 testing services were administered, including the licensee, received the training needed to administer testing services and used personal protective equipment when collecting specimens to be tested for COVID-19.
- Ensure that a specimen collected from an individual was tested by a laboratory or entity in accordance with Federal law, that any test classified by the FDA as high complexity was tested at a certified laboratory, and that any test classified by the FDA as waived was tested at a laboratory that held a certificate of waiver.
- Comply with DHHS reporting requirements.
- Ensure that a specimen was securely stored pending retrieval by a laboratory or entity described above.
- Refer an individual receiving a COVID-19 test under the bill to an appropriate licensee or registrant for follow-up.

A qualified licensee or other individual who was performing a task or function associated with COVID-19 testing services under the bill had the same rights and immunities and would have to be treated in the same manner as personnel of a disaster relief force under Section 11(1)(c) of the Emergency Management Act (EMA). (Section 11(1)(c) of the EMA specifies that personnel who are not employees of the State or its political subdivision are entitled to the same rights and immunities as State employees and, while on duty, are subject to the operational control of the authority in charge of the pertinent disaster relief activities and must be reimbursed for actual and necessary travel and subsistence expenses.)

MCL 333.16113

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would have no fiscal impact on State or local government

Fiscal Analyst: Elizabeth Raczkowski

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.